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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,176	09/12/2003	Robert Stidd	001-220	2175
29569	7590	07/12/2007		
FURR LAW FIRM 2622 DEBOLT ROAD UTICA, OH 43080			EXAMINER LOWE, MICHAEL S	
			ART UNIT 3652	PAPER NUMBER
			MAIL DATE 07/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/605,176

Applicant(s)

STIDD, ROBERT

Examiner

M. Scott Lowe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/27/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 54-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the multiple motorcycles must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 57 and 65 are objected to because of the following informalities: "based to balanced" should be "base to balance" for proper grammar.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 54-68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 54,59,61,62, applicant states the movable locator swivel plate pivots "on a vertical plane" in claim 54 or "in a vertical plane" in claims 59,61 & 62. There is nothing in the drawings or specification to support this. However, it is clear from the drawings that the movable locator swivel plate pivots instead "on a vertical axis" or "in a horizontal plane" and for sake of examination it is assumed this is what the applicant meant.

Claim 66 recites the limitation "said a single rack is" in line 1. There is insufficient antecedent basis for this limitation in the claim and also the claim from which this depends states there are a plurality of racks, which contradicts having only one rack. For sake of examination it is assumed applicant meant "said racks are".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 54-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Lapiolahti (US 4,750,856).

Re claim 54, Lapiolahti teaches a device to tow a vehicle comprising: having a base (various, 3,etc.) comprising of a support beam (various) and a wheel axis support (generally 5), a plurality of wheels (various, 69,etc.) connected to said base, a plurality of racks (generally 10, 85,etc.) connected to said base, and a movable vehicle locator swivel plate (generally 43,44,etc.) attached to said base where said movable locator swivel plate pivots on a vertical axis (via 42) and can be positioned to balance the load where the vehicle that is towed is attached to the movable locator swivel plate; where said racks are movable on said base and attached to said base and with said device having a plurality of ramps (54,44).

Re claim 55, Lapiolahti teaches items can be placed on the racks.

Re claim 56, Lapiolahti teaches said racks can be positioned on said base so the spacing between said racks is such that a golf cart could be supported on the racks.

Re claim 57, Lapiolahti teaches said a plurality of racks are placed evenly on said base to balanced a plurality of items are loaded on said racks.

Re claim 58, Lapiolahti teaches a single rack is centered on said base where an item can be stored on said base.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 59,61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapiolahti (US 4,750,856).

Re claims 59,61, Lapiolahti teaches said movable vehicle locator swivel plate pivots in a vertical/horizontal plane on a pivot attached to the bottom of said movable vehicle locator swivel plate. Lapiolahti is silent as to whether the pivot has a nut and bolt but nut and bolt connections are common and well known as a means of securely providing a pivot connection. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Lapiolahti to have nut and bolt connection in order to have the pivot connection be secure.

Claim 60 rejected under 35 U.S.C. 103(a) as being unpatentable over Lapiolahti (US 4,750,856) in view of Huston (US 5,816,757).

Re claim 60, Lapiolahti does not teach a wheel block. However, Huston teaches wheel blocks 22 in order to have a solid vehicle anchor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Lapiolahti by the general teaching of Huston to have wheel blocks in order to have a

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solid vehicle anchor.

Claims 54-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chumley (US 5,609,350) in view of Yaklin (US 4,986,559) and Edwards (US 6,164,897).

Re claim 54,59,61,62, Chumley teaches (figures 11-12) a device to tow a vehicle comprising: having a base comprising of a support beam and a wheel axis support (not numbered), a plurality of wheels D connected to said base, a rack C connected to said base B, a tongue hitch attachment A attached to the base, and a movable vehicle locator swivel plate E attached to said base where said where said movable vehicle locator swivel plate pivots in a horizontal/ vertical plane on a pivot attached to the bottom of said movable vehicle locator swivel plate and where said movable locator swivel plate can be positioned to balance the load when a towed vehicle is attached to the movable locator swivel plate by two of its four tires; where said racks are movable on said base and attached to said base and with said device having a plurality of ramps 59. Chumley is silent regarding the pivot being a bolt and a plurality of racks. Yaklin teaches a pivot bolt 20 (and nut 58) in order to securely attach the pivot connection. Edwards teaches a plurality of racks in order that each wheel be securely attached. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Chumley by the general teachings of Yaklin and Edwards to have a pivot bolt in order to securely attach the pivot connection and a plurality of racks in order that each wheel be securely attached.

Re claim 55,63, Chumley as already modified teaches items can be placed on

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the racks.

Re claim 56,64, Chumley as already modified teaches said racks can be positioned on said base so the spacing between said racks is such that a golf cart could be supported on the racks.

Re claim 57,65, Chumley as already modified teaches said a plurality of racks are placed evenly on said base to balanced a plurality of items are loaded on said racks.

Re claim 58,66, Chumley as already modified teaches a single rack is centered on said base where an item can be stored on said base.

Re claim 60, Chumley as already modified teaches a wheel block.

Re claim 67, Chumley as already modified teaches said racks have two elongated lips and two open ends.

Re claim 68, Chumley as already modified teaches a nut is attached to said pivot bolt to hold the movable locator swivel plate to said body.

Conclusion

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571)272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

msl


SAUL RODRIGUEZ
SUPERVISORY PATENT EXAMINER